



**Minutes for Meeting of  
Thursday, March 10, 2005**

**Item-1: Call to Order**

Chairwoman Dorothy Smith called the meeting to order at 5:15 p.m.

**Item-2: Roll Call**

Present – Chairwoman Dorothy L .W. Smith, Vice Chairwoman Dorothy Leonard, Commissioners April Riel and Greg Vega (Commissioner Thomas-Stefano participated telephonically but did not vote on any matter).

Staff – Executive Director Stacey Fulhorst, General Counsel Cristie C. McGuire, Senior Investigator Lauri Davis, Financial Investigator DeeDee Alari, and Executive Secretary Janet MacFarlane

Excused – Commissioners Charles H. Dick, Jr., Karen Thomas-Stefano, and Larry S. Westfall

**Item-3: Approval of Commission Minutes**

**Approval of February 10, 2005, Ethics Commission Minutes**

Motion: Approve  
Moved/Seconded: Vega/Leonard  
Vote: Unanimous  
Excused: Dick/Stefano/Westfall

**Item-4: Non-Agenda Public Comment**

None.

**Item-5: Commissioner Comment**

Chairwoman Smith cited the recent *San Diego Union-Tribune* article about Commissioner Dick. She stated the article accurately reported the qualities and integrity of the person the Commission knows and respects.

**Item-6: Executive Director Comment**

None.

**Item-7 General Counsel Comment**

None.

**Item-8 Proposed Amendments to Audit Manual**

April Boling explained that state law does not allow separate legal defense funds for local jurisdictions. She stated as a result, local committees with legal defense funds were required to keep their committees open for a longer period of time, thus incurring additional, significant costs to the committee. She noted the proposed audit manual would require committees to remain open until September until the proposed time of the audit selection in the event that they needed a legal defense fund. Ms. Boling recommended that efforts be made to change State law. She also suggested the number of audits being proposed under the proposed amendments might be excessive in light of current budget constraints.

Mel Shapiro questioned how lobbyists could be audited if they could not be identified. He recommended the Commission hold public hearings to propose changes to the existing municipal lobbying ordinance.

Director Fulhorst presented the proposed amendments to the audit manual.

Motion: Approve proposed amendments to Audit Manual, modified to change the percentage of committees selected for audit to 75%/50%/50% and further to modify the proposed amendments to allow for the 2004 Audit Selection Process to be held as soon as practicable after Council approval of the amendments.

Moved/Seconded: Leonard/Riel

Vote: Unanimous

Excused: Dick/Stefano/Westfall

**Item-9: Ethics Commission On-Line Recertification Training Program**

Director Fulhorst presented the staff report dated March 7, 2005.

Motion: Communicate to DPC management the Commission's expectation that DPC provide the program as requested (within sixty days), which allows Ethics

Commission staff functionality to revise course content and to provide an online system without the flash system so that it will be easily accessible to the public. This issue will be docketed for discussion at the Rules Committee meeting on April 6, 2005.

Moved/Seconded: Leonard/Riel

Vote: Unanimous

Excused: Dick/Stefano/Westfall

#### **Item-10: Proposed Closed Session Reporting Practices**

Director Fulhorst reviewed a recent problem that arose as a result of identifying an Ethics Commission case number during closed session reporting. The complainant was then able to determine that the Commission had authorized an investigation, and subsequently made the fact public.

General Counsel McGuire indicated she researched state law, and stated the Commission could refrain from providing case numbers to the public.

Mel Shapiro stated this seemed to go in the opposite direction of the recent ballot proposal calling for more open government.

Motion: Omit case numbers from acknowledgement letter to complainant

Moved/Seconded: Riel/Leonard

Vote: Unanimous

Excused: Dick/Stefano/Westfall

#### **Item-11: Adjournment to Closed Session**

Chairwoman Smith adjourned the meeting to Closed Session at approximately 6:30 p.m. She stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

#### **Reconvene to Open Session**

Chairwoman Smith called the meeting back into open session at approximately 7:20 p.m.

#### **Reporting Results of Closed Session Meeting of March 10, 2005**

Chairwoman Smith reported the results of the Closed Session Meeting of March 10, 2005:

##### **Item 1 – Conference with Legal Counsel (2 Potential Matters)**

**Case No. 2005-05 – In re: Alleged Failure to Disclose Economic Interest**

Motion: Initiate Investigation  
Moved/Seconded  
Vote: Unanimous  
Excused: Dick/Stefano/Westfall

**Case No. 2005-06 – In re: Alleged Violation of Contribution Limits**

Motion: Initiate Investigation  
Moved/Seconded  
Vote: Unanimous  
Excused: Dick/Stefano/Westfall

**Item 2 – Conference with Legal Counsel (6 Potential Matters)**

(Two items removed from agenda.)

**Case No. 2004-53 – In re: Alleged Contribution in Excess of Limit & Illegal Contribution from Organization**

No reportable action.

**Case No. 2004-67 – In re: Alleged Contribution in Excess of Limit and Violation of Prohibition and Limit on Contribution from Organization**

Motion: Dismiss and authorize separate investigation  
Moved/Seconded  
Vote: Unanimous  
Excused: Dick/Stefano/Westfall

**Case No. 2004-56 – In re: Alleged Contribution in Excess of Limit & Alleged Illegal Contribution from Organization**

No reportable action.

**Case No. 2004-68 – In re: Alleged Failure Disclosure Economic Interest and Failure to Disqualify on Municipal Decision Affecting Economic Interest**

No reportable action.

## **Adjournment**

The meeting adjourned at approximately 7:25 p.m.

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Dorothy L. W. Smith, Chairwoman  
Ethics Commission

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Janet MacFarlane, Executive Secretary  
Ethics Commission

***THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.***